UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,490	07/10/2003	Jian Zhang	XCE-001	2839

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EXAMINER
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ART UNIT	PAPER NUMBER
4127	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/617,490	ZHANG ET AL.
	Examiner	Art Unit	
	Ashford S. Hayles	4127	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *12/17/2007*.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *9-20* is/are pending in the application.
    4a) Of the above claim(s) *1-8* is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *9-20* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on *10 July 2003* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some *   c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group II (claims 9-20) in the reply filed on December 17, 2007 is acknowledged.

2. Claims 1-8 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Claim Rejections - 35 USC § 112

3. Claim 14 recites the limitation "the participant IDs" in line 15 and line 17. There is insufficient antecedent basis for this limitation in the claim.

4. Claim 20 recites the limitation "the participant IDs" in line 1 and line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 9-20 are rejected under 35 U.S.C. 102(e) as being obvious by Galuten et al. (2005/0192871).**

As per Claims 9 and 15, Galuten et al. discloses the claimed process for computing accounting information pertaining to a transaction that crosses business boundaries in a value chain having two or more participating businesses or entities and computer medium with instructions, comprising the steps:

(1) identifying a buyer participant in a transaction that crosses business boundaries using the consumer identification code (Figure 11, Retailer ID 2116) in an RDR data structure (Figure 11, Handle 2100) recording data of said transaction;

(2) identifying a seller participant in said transaction using a customer identification code (Figure 11, Distributor ID) in said RDR data structure (Figure 11, Handle 2100, the handle can include information identifying each participant in the value chain, any entity that participated in the creation, resolution or transmission of the content that might receive some compensation for their participation (Paragraph [0115]). Where the applicant defines an RDR data structure as a resource exchange transaction including time of the transaction, type and amount of resource involved and participants involved in the transaction) recording data of said transaction;

(3) identifying a product type involved in said transaction (Figure 11, Object ID 2110 and SKU ID 2112 precisely identify the product);

(4) identifying a product instance involved in said transaction (Figure 11, SKU ID 2112, is a numbering system to keep stock of each unit);

(5) identifying a price plan (Paragraph [0085] Specific Content Financial Contract) which records data defining the terms which govern calculation of charges for units of said product type consumed in said transaction (Paragraph [0085] discuss a set of

business terms expressing a contractual relationship for division of revenues between a

distributor and a specific authorized retailer for a specific unit of content);

(6) calculating a payment amount using a price per unit from said price plan

(Paragraph [0085] discuss a retailer pays distributor $10 for content sale up to 50,000

sales, $9 between 50,000 and 100,000 sales, $8 over 100,000 sales) and a number of

units consumed from said RDR recording data pertaining to said transaction (Paragraph

[0124] discuss for an associated content a single handle may contain more than one

Object ID, each referencing one piece of content);

(7) finding a balance object which records the monetary balance as between said

buyer participant and said seller participant in said transaction (Figure 10, Payment

Model 1212), and adding or subtracting the calculated payment amount to a balance

recorded in said balance object (Figure 10, depicts the cost of the use request is

compared to the consumer's remaining budget level (step 1222). If there are sufficient

funds (determined at Step 1224), the remaining budget level is adjusted and a micro

transaction is created (Step 1226) which is added to the consumer's past micro

transactions (Step 1228), as appropriate;

(8) determining if there is another tier in said value chain (Paragraph [0047] discuss

some countries there may be implications for other "Rights" holders, such as the

Performing Rights Societies or Mechanical Rights Societies, to have the distributor act

as the collection agent for these rights with the obligation to pay immediately and

directly the payments due to these societies);

(9) if there is another tier in said value chain, selecting two participant identification codes for participants on said tier and repeating steps (1) through (7) using said RDR and said two participant identification codes selected in this step 9 as said consumer and customer identification codes as appropriate (Paragraph [0115] discuss the handle can include information identifying each participant in the value chain, i.e., any entity that participated in the creation, resolution or transmission of the content that might receive some compensation for their participation);

repeating steps (8) and (9) as many times as is necessary to process account balances between all participants on all tiers in said value chain (Paragraph [0024] discuss the Financial Clearinghouse credits the value chain participants, including the retailer, distributor, and content owner e.g., royalties where appropriate).

As per Claims 10 and 16, Galuten et al. discloses a process and computer medium with instructions wherein said step of identifying a product type is accomplished by reading a resource type field in said RDR data structure (Paragraph [0127] discuss the Media ID identifies the physical media on which the content resides CD, ECD or DVD, etc.).

As per Claims 11 and 17, Galuten et al. discloses the process and computer medium with instructions wherein said step of identifying a product instance is accomplished by searching all product instances data objects for ones which have pointers-to said buyer participant involved in said transaction (Paragraph [0104] discuss a consumer enters various keywords that are sent to the Content Catalog module. The Content Catalog will return a list of the content whose description or meta-data matches

the keywords from the request, where the request is a pointer to the consumer within

the transaction), and

searching the resulting product instance data objects (Figure 3, Step 622) for the

one which has a pointer to said product type involved in said transaction (Figure 3, Step

624)

As per Claims 12 and 18, Galuten et al. discloses the process and computer

medium with instructions wherein said step of identifying a price plan (Figure 10, Step

1212) involves following pointers in said product type and product instance data objects

(Figure 10, Step 1210) which both point to a data object recording the appropriate price

per unit price plan pertaining to this transaction (Figure 10, Steps 1222-1234).

As per Claims 13 and 19, Galuten et al. discloses a process and computer medium

with instructions wherein said step of determining whether there is another tier in said

value chain (Paragraph [0126] discuss identifiers may also be included in the handle to

identify each of the value chain participants i.e. a value chain ID) comprises determining

if there is a valid supplier ID in said RDR (Paragraph [0129] discuss the reference

service can use the information in the handle, such as the Retailer ID, to determine a

valid offer based on the commercial information available from that retailer).

As per Claims 14 and 20, Galuten et al. discloses the process and computer

medium with instructions wherein step (9) comprises modifying original RDR by shifting

the participant IDs so that the customer ID in the original RDR is shifted to the

consumer ID field in the modified RDR and the supplier ID in the original RDR is shifted

to the customer ID field in the modified RDR (Paragraph [0128] discuss an entity that

creates the reference is the instantiator. This can be the distributor, the retailer, or the

consumer. For example, when the consumer creates a reference by dragging a song

from a play list in the player, they create a reference with the Instantiator ID set to the

Consumer ID, which clearly describes a process of modifying the participant ID).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to

   applicant's disclosure.

   Ginter et al. (5,910,987) discloses a method for secure transaction management and

   electronic rights protection.

   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ashford S. Hayles whose telephone number is 571-270-

5106. The examiner can normally be reached on Monday thru Thursday 8:30 to 4:00

Eastern Time.

   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Lynda Jasmin can be reached on 571-270-3033. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Elaine Gort/   February 11, 2008
Primary Examiner, Art Unit 3627

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